

1 Morris J. Baller (SB #048928) (mjb@gdblegal.com)
2 Roberta L. Steele (SB #188198) (rls@gdblegal.com)
3 Joseph E. Jaramillo (SB #178566) (jej@gdblegal.com)
4 Nina Rabin (SB #229403) (nrabin@gdblegal.com)
5 GOLDSTEIN, DEMCHAK, BALLER,
6 BORGES & DARDARIAN
7 300 Lakeside Dr., Suite 1000
8 Oakland, CA 94612
9 Telephone: (510) 763-9800
10 Facsimile: (510) 835-1417

11 Paul Strauss (SB# 153937) (pstrauss@lawmbg.com)
12 Sharon Legenza, *pro hac vice* (slengenza@lawmbg.com)
13 Nancy Maldonado, *pro hac vice* (nmaldonado@lawmbg.com)
14 MINER, BARNHILL & GALLAND
15 14 W. Erie Street
16 Chicago, IL 60610
17 Telephone: (312) 751-1170
18 Facsimile: (312) 751-0438

19 Attorneys for Plaintiffs ROBERT RAMIREZ, ET AL.

20 *Attorneys for Defendant Cintas Corporation*
21 *and Plaintiff-Intervenor's Counsel listed on next page*

22 UNITED STATES DISTRICT COURT
23 NORTHERN DISTRICT OF CALIFORNIA

24 ROBERT RAMIREZ, et al., on behalf of
25 themselves and all others similarly situated,

26 Plaintiffs,

27 EQUAL EMPLOYMENT
28 OPPORTUNITY
COMMISSION,

Plaintiff-Intervenor,

vs.

CINTAS CORPORATION,

Defendant.

Case No. C04-0281-JSW

**STIPULATION AND ~~PROPOSED~~
ORDER TO CONTINUE
SUPPLEMENTAL CASE
MANAGEMENT CONFERENCE
AND TO ENLARGE TIME OF CASE
MANAGEMENT DEADLINES**

Hon. Jeffrey S. White

Complaint Filed: January 20, 2004

Trial Date: None Set

1 Nancy L. Abell (SB# 88785) (nancyabell@paulhastings.com)
2 Mark W. Atkinson (SB# 60472) (markatkinson@paulhastings.com)
3 Elena R. Baca (SB# 160564) (elenabaca@paulhastings.com)
4 Heather A. Morgan (SB# 177425) (heathermorgan@paulhastings.com)
5 Joseph W. Deng (SB# 179320) (josephdeng@paulhastings.com)
6 PAUL HASTINGS JANOFISKY & WALKER LLP
7 Twenty-Fifth Floor
8 515 South Flower Street
9 Los Angeles, CA 90071-2228
10 Telephone: 213/683-6000
11 Facsimile: 213/627-0705

12 Attorneys for Defendant CINTAS CORPORATION

13 Robert Unitas (robert.unitas@eeoc.gov)
14 Erica White-Dunston (erica.white-dunston@eeoc.gov)
15 Kenneth J. Kryvoruka (kenneth.kryvoruka@eeoc.gov)
16 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
17 1801 L Street, NW
18 Washington, DC 20507
19 Telephone: 202/663-4768
20 Facsimile: 202/663-4196

21 Attorneys for Plaintiff-Intervenor
22 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION
23
24
25
26
27
28

WHEREAS, the next supplemental case management conference is currently scheduled for Friday, April 14, 2006;

WHEREAS, April 14, 2006 falls during the Jewish holy days of Passover;

WHEREAS, some counsel for all parties observe Passover;

WHEREAS, the parties conferred and agreed that Friday, April 28, 2006 is a mutually acceptable alternative date for the next supplemental case management conference;

WHEREAS, the parties believe that the next supplemental case management conference could be accomplished via telephone with the Court;

WHEREAS, the parties have actively and cooperatively engaged in extensive disclosures and written discovery, have taken numerous depositions and continue to schedule and take depositions, have processed a pending related arbitration and have commenced a new related arbitration;

WHEREAS, the parties have thus far conducted the following written discovery:

a. Plaintiffs' and EEOC's Written Discovery

<i>Type/Set Number</i>	<i>Date Served</i>	<i>Status</i>
Plaintiffs and Plaintiff – Intervenor's 1st Request for Production of Documents	6/29/2005	Response supplemented 11/11/2005
Plaintiffs and Plaintiff – Intervenor's 2nd Request for Production of Documents	6/29/2005	Response supplemented 11/3/2005, 11/15/2005, 12/15/2005
Plaintiffs and Plaintiff – Intervenor's 3rd Request for Production of Documents	8/1/2005	Response served 11/21/2005, supplemented 12/29/2005, 2/24/2006
Robert Harris' 1st Set of Interrogatories to Cintas	8/1/2005	Response served 11/8/2005
Robert Ramirez's 1st Set of Interrogatories to Cintas	8/1/2005	Response served 11/8/2005, supplemented 1/5/2006

<i>Type/Set Number</i>	<i>Date Served</i>	<i>Status</i>
Luis Pocasangre Cardoza's 1st Set of Interrogatories to Cintas	8/1/2005	Response served 11/8/2005, supplemented 1/31/2006
Blanca Nelly Avalos' 1st Set of Interrogatories to Cintas	8/1/2005	Response served 11/8/2005, supplemented 12/29/2005, 1/31/2006, 2/23/2006
Plaintiffs and Plaintiff – Intervenor's 4th Request for Production of Documents	9/29/2005	Response served 11/16/2005, supplemented 12/19/2005 with a partially produced Personick Workflow database (bates C236634); further supplemented 1/10/2006, 1/19/2006, 2/6/2006, 2/27/2006, 3/3/2006
Anthony Jones' 1st Set of Interrogatories to Cintas	10/21/2005	Response served 12/23/2005
Plaintiffs' and Plaintiff-Intervenor's 5th Request for Production of Documents	10/21/2005	Response served 12/29/2005, supplemented 1/23/2006, 2/10/2006
Plaintiff and Plaintiff-Intervenor's 6th and 7th Requests for Production of Documents	2/9/06	Response are continuing at this time

b. Cintas' Written Discovery

<i>Type/Set Number</i>	<i>Date Served</i>	<i>Status</i>
Defendant Cintas Corporation's First Set of Specially Prepared Interrogatories to Plaintiff Robert Ramirez	7/26/2005	Response supplemented 1/5/2006
Defendant Cintas Corporation's First Request for Production of Documents to Plaintiff Anthony Jones	12/7/2005	Response served 2/10/2006
Defendant Cintas Corporation's First Set of Specially Prepared Interrogatories to Plaintiff Anthony Jones	12/7/2005	Response served 2/09/2006
Defendant Cintas Corporation's Second Request for Production of Documents to Plaintiff Blanca Nelly Avalos	12/7/2005	Response served 1/19/2006
Defendant Cintas Corporation's Second Request for Production of Documents to Plaintiff Luis Pocasangre Cardoza	12/7/2005	Response served 1/19/2006, supplemented 2/8/2006
Defendant Cintas Corporation's Second Request for Production of Documents to Plaintiff Robert Ramirez	12/7/2005	Response served 1/17/2006
Defendant Cintas Corporation's Second Set of Specially Prepared Interrogatories to Plaintiff Blanca Nelly Avalos	12/15/2005	Response served 1/19/2006
Defendant Cintas Corporation's Second Set of Specially Prepared Interrogatories to Plaintiff Luis Pocasangre Cardoza	12/15/2005	Response served 1/19/2006

<i>Type/Set Number</i>	<i>Date Served</i>	<i>Status</i>
Defendant Cintas Corporation's Second Set of Specially Prepared Interrogatories to Plaintiff Robert Ramirez	12/15/2005	Response served 1/17/2006
Defendant Cintas Corporation's Third Set of Specially Prepared Interrogatories to Blanca Nelly Avalos	2/7/2006	Response due 3/14/2006
Defendant Cintas Corporation's First Set of Requests for Admissions to Blanca Nelly Avalos	2/7/2006	Response due 3/14/2006
Defendant Cintas Corporation's Second Request for Production of Documents to Plaintiff Anthony Jones	2/14/2006	Response due 3/20/2006
Defendant Cintas Corporation's Second Set of Specially Prepared Interrogatories to Plaintiff Anthony Jones	2/15/2006	Response due 3/20/2006
Defendant Cintas Corporation's First Set of Interrogatories and First Request for Production of Documents Propounded to Plaintiff/Intervenor Equal Employment Opportunity Commission	2/21/06	Response due 3/27/06

WHEREAS, despite the parties' diligent discovery efforts and good faith negotiations concerning the scope of the electronic data to be produced pursuant to Plaintiff's and Plaintiff-Intervenor's Fourth Request for Production of Documents, production of the databases necessary for Plaintiffs' and EEOC's experts to prepare their reports by the April 14, 2006 deadline set forth in the June 10, 2005 Case

1 Management Order (“Case Management Order”) has been significantly delayed and the
2 production is just now being completed;

3 WHEREAS, because of the delay in production of the necessary databases,
4 Plaintiffs and EEOC believe that their experts will have insufficient time to complete
5 their reports by the April 14, 2006 deadline set forth in the Case Management Order;

6 WHEREAS, Plaintiffs and EEOC jointly noticed two Rule 30(b)(6) depositions
7 of Cintas Corporation, and began those depositions on the subjects listed in those
8 notices with two days of testimony on October 3-4, 2005. Further testimony pursuant to
9 those notices was taken on November 1-2 and December 13-14, 2005;

10 WHEREAS, as reported in the October 7, 2005 Supplemental Joint Case
11 Management Statement, the parties agreed to a series of structured interviews of Cintas’
12 representatives on the subject of Cintas’ electronic databases and records, in lieu of a
13 Rule 30(b)(6) deposition of Cintas IT personnel or in addition to an eventual
14 abbreviated Rule 30(b)(6) deposition on those subjects. Pursuant to that agreement, the
15 Plaintiffs and EEOC conducted ten or more days of interviews of Cintas’ IT and records
16 personnel, completing the initial interview process on January 11, 2006;

17 WHEREAS, although the parties believe that this structured interview process has
18 been productive, efficient, and carried out in good faith, the parties have been unable to
19 complete drafting the necessary stipulations and/or conducting the abbreviated Rule
20 30(b)(6) deposition on those subjects;

21 WHEREAS, in addition to the aforementioned Rule 30(b)(6) depositions and
22 interviews, Plaintiffs and Plaintiff-Intervenor have deposed in excess of ten of Cintas’
23 human resources and general manager level officials at locations throughout the United
24 States;

25 WHEREAS, Cintas has taken the depositions of Plaintiffs Robert Ramirez (two
26 days), Luis Pocasangre Cardoza (two days), Blanca Nelly Avalos, and Anthony Jones at
27 locations throughout the United States;

1 WHEREAS, despite their best efforts to schedule and complete necessary
2 depositions, the parties together still need to take the deposition of approximately 45
3 additional fact witnesses, including Cintas Corporate level officials;

4 WHEREAS, the parties believe that the logistics of attempting to complete such
5 depositions of witnesses located throughout the United States prior to the April 7, 2006
6 deadline set forth in the Case Management Order appear nearly insurmountable;

7 WHEREAS, the parties believe that a four month enlargement of the Case
8 Management Order deadlines is necessary to adequately and reasonably complete the
9 class certification process contemplated in the Case Management Order; and

10 WHEREAS, the parties have not previously sought an enlargement of Case
11 Management Order deadlines.

12 NOW THEREFORE, pursuant to Local Rule 6-1(b) and this Court's Standing
13 Order 3, the parties hereby agree and stipulate by and through their respective counsel
14 of record, and request that the Court Order as follows:

- 15 1. The date for the next supplemental case Management conference,
16 currently set for April 14, 2006, be vacated;
- 17 2. The next supplemental case management conference be placed on
18 the Court's Friday, April 28, 2006 calendar and be conducted by
19 telephone; and
- 20 3. The following June 10, 2005 Case Management Order deadlines be
21 enlarged as set forth below:
22
23
24
25
26
27
28

<u>ACTIVITY</u>	<u>ORIGINAL DEADLINE</u>	<u>PROPOSED ENLARGED DEADLINE</u>
DISCOVERY:		
Last Day to Serve Written Discovery (i.e., Interrogatories; Requests for Production; Requests for Admissions; Subpoenas for Records)	March 7, 2006	May 1, 2006
Defendant to Identify Experts	April 5, 2006	May 19, 2006
Completion of Non-Expert Discovery	April 7, 2006	August 7, 2006
Plaintiffs and EEOC to Provide Expert Reports	April 14, 2006	August 14, 2006
Plaintiffs and EEOC to make Experts Available for Deposition	May 22, 2006	September 22, 2006
Defendant to Provide Expert Reports	June 27, 2006	December 1, 2006
Defendant to make Experts Available for Deposition	July 21, 2006	December 21, 2006
Plaintiffs and EEOC to serve Rebuttal Expert Reports	August 15, 2006	January 15, 2007
Defendant to serve Supplemental Expert Reports	September 15, 2006	February 15, 2007
Expert Discovery Cutoff	October 10, 2006	February 15, 2007
DISPOSITIVE MOTIONS:		
Dispositive Motions	May 15, 2006	September 15, 2006
Oppositions to Dispositive Motions	June 22, 2006	October 23, 2006
Replies in Support of Dispositive Motions	July 14, 2006	November 14, 2006
Hearing on Dispositive Motions (on or after)	August 18, 2006	December 15, 2006

<u>ACTIVITY</u>	<u>ORIGINAL DEADLINE</u>	<u>PROPOSED ENLARGED DEADLINE</u>
CLASS CERTIFICATION MOTIONS:		
Motion for Class Certification	October 23, 2006	February 23, 2007
Defendant's Opposition	December 22, 2006	May 23, 2007
Plaintiffs' Reply	January 21, 2007	June 20, 2007
Hearing on Class Certification	February 21, 2007	July 27, 2007

IT IS SO STIPULATED:

Dated: March 9, 2006

Respectfully submitted,

GOLDSTEIN, DEMCHAK, BALLER,
BORGEN & DARDARIAN

/s/

Morris J. Baller, #048928
 Roberta L. Steele, #188198
 Joseph E. Jaramillo, #178566
 Nina Rabin, #229403
 GOLDSTEIN, DEMCHAK, BALLER, BORGEN &
 DARDARIAN
 300 Lakeside Drive, Suite 1000
 Oakland, CA 94612
 Telephone: (510) 763-9800
 Facsimile: (510) 835-1417

Paul Strauss, #153937
 Sharon Legenza, *pro hac vice*
 Nancy Maldonado, *pro hac vice*
 MINER, BARNHILL & GALLAND
 14 W. Erie Street
 Chicago, IL 60610
 Telephone: (312) 751-1170
 Facsimile: (312) 751-0438

ATTORNEYS FOR PLAINTIFFS

1 March 9, 2006

/s/

2
3 Robert Unitas
4 Erica White-Dunston
5 Kenneth J. Kryvoruka
6 EQUAL EMPLOYMENT OPPORTUNITY
7 COMMISSION
8 1801 L Street, NW
9 Washington, DC 20507
10 Telephone: (202) 663-4768
11 Facsimile: (202) 663-4196

12 Attorneys for Plaintiff-Intervenor
13 EQUAL EMPLOYMENT OPPORTUNITY
14 COMMISSION

15 March 9, 2006

PAUL, HASTINGS, JANOFISKY & WALKER LLP

16 /s/

17
18 Nancy L. Abell (SB# 88785)
19 Mark W. Atkinson (SB# 60472)
20 Elena R. Baca (SB# 160564)
21 Heather A. Morgan (SB# 177425)
22 Joseph W. Deng (SB# 179320)
23 PAUL HASTINGS JANOFISKY & WALKER LLP
24 Twenty-Fifth Floor
25 515 South Flower Street
26 Los Angeles, CA 90071-2228
27 Telephone: (213) 683-6000
28 Facsimile: (213) 627-0705

Attorneys for Defendant CINTAS CORPORATION

ORDER

The Court, having reviewed the papers, pleadings, and the stipulation herein, finds that good cause exists and hereby Orders as follows:

1. The date for the next supplemental case management conference, currently set for April 14, 2006, be vacated;
2. The next supplemental case management conference be placed on the Court's Friday, April 28, 2006 calendar and be conducted by telephone;
3. The following June 10, 2005 Case Management Order deadlines be enlarged as set forth below:

<u>ACTIVITY</u>	<u>ORIGINAL DEADLINE</u>	<u>PROPOSED ENLARGED DEADLINE</u>
DISCOVERY:		
Last Day to Serve Written Discovery (i.e., Interrogatories; Requests for Production; Requests for Admissions; Subpoenas for Records)	March 7, 2006	May 1, 2006
Defendant to Identify Experts	April 5, 2006	May 19, 2006
Completion of Non-Expert Discovery	April 7, 2006	August 7, 2006
Plaintiffs and EEOC to Provide Expert Reports	April 14, 2006	August 14, 2006
Plaintiffs and EEOC to make Experts Available for Deposition	May 22, 2006	September 22, 2006
Defendant to Provide Expert Reports	June 27, 2006	December 1, 2006
Defendant to make Experts Available for Deposition	July 21, 2006	December 21, 2006
Plaintiffs and EEOC to serve Rebuttal Expert Reports	August 15, 2006	January 15, 2007

<u>ACTIVITY</u>	<u>ORIGINAL DEADLINE</u>	<u>PROPOSED ENLARGED DEADLINE</u>
Defendant to serve Supplemental Expert Reports	September 15, 2006	February 15, 2007
Expert Discovery Cutoff	October 10, 2006	February 15, 2007

DISPOSITIVE MOTIONS:


Dispositive Motions	May 15, 2006	September 15, 2006
Oppositions to Dispositive Motions	June 22, 2006	October 23, 2006
Replies in Support of Dispositive Motions	July 14, 2006	November 14, 2006
Hearing on Dispositive Motions (on or after)	August 18, 2006	December 15, 2006

CLASS CERTIFICATION MOTIONS:

Motion for Class Certification	October 23, 2006	February 23, 2007
Defendant's Opposition	December 22, 2006	May 23, 2007
Plaintiffs' Reply	January 21, 2007	June 20, 2007
Hearing on Class Certification	February 21, 2007	July 27, 2007 August 3, 2007

IT IS SO ORDERED:

DATED: March 9, 2006


THE HONORABLE JEFFREY S. WHITE
U.S. DISTRICT COURT JUDGE

LEGAL_US_W # 53328460.2